

Weare Conservation Commission

Minutes

May 11, 2005

In attendance this evening were: Andy Fulton, Pat Myers, Tom Carr, John Ciampi, and Andrea Alderman.

Guests present were: Gorge Macette, of the Planning Board, Helene Kurk, of the Select Board, Brett Merrill, of the Weare Winter Wanderers, Brian Holt and Bob Smaha of NBAC, and John Bouton, regional activist, representing the grass roots initiative *"Don't Trash the Merrimack!"*

Chairman Carr called the meeting to order at 7:10PM.

1). NBAC – Brian Holt spoke on Duck Pond subdivision, reviewing the revisions that were made to the site plan and summarizing the site walk that took place on April 30th. Mr. Holt distributed revised handouts of the Duck Pond site to the Commission members, and then he initiated a brief oral overview of the recent site tour with Commission members. Mr. Holt stated that NBAC is considering installing a parking area in the NW field that abuts Duck Pond Rd. to be used for nature walks on the open space land of Duck Pond subdivision and the connecting property of the Forest Society. Brian submitted that his organization suggest to Planning that the open space property eventually become Town owned land, under the jurisdiction of the WCC. Mr. Holt avowed that it has always been the policy of NBAC to allow recreation on their property, in particular, snowmobile activity, but he maintained just how that occurrence would continue still needs to be devised, both with access and internal exercise. Brian continues to say that he would have his engineers and surveyors define the open space area in terms of square footage. Tom stated at this point that the Commission has looked at this concept as three separate lots, to which NBAC agreed. Brian maintained that with all the proposed lots and open space areas, the ratio between them is very close to 50 - 50. Mr. Holt continued to convey that the two initially proposed lots bordering on Duck Pond Rd. be relinquished, resulting in this land becoming open space, and subsequently reestablishing these two lots further to the South of the subdivision. At this juncture of his presentation, Mr. Holt emphasized that NBAC has made a thoughtful effort to follow the recommendations as proposed by the WCC. Tom asked Brian if a variance is needed to build a residential home on commercial property, to which Mr. Holt answered, "Yes". Brian added that he prefers to keep the commercial and residential areas separate. Pat suggested shifting lot #56 further to the East where it would have frontage with the commercial property. This would widen the open space corridor from 100' to approximately 250', increasing wildlife viability in that area. Brian responded that implementing that suggestion would be contingent upon the results of recalculation, and if it were not a viable option, NBAC would need to work with Planning to try and accommodate the proposed modification. Tom commented that he personally felt NBAC has made a cooperative effort to solicit the requests raised by the WCC. Andy commented that he would like to have the opportunity to compare this subdivision laid out as a standard verses a cluster development in order to observe the differences of environmental impact between the two. He also added that he would prefer to have larger unbroken areas of land as opposed to the fairly fragmented areas of open space as is currently proposed. Jeff (T F Meridian representative), responded that the currently offered design will not have any wetland crossings, and also with a conventional subdivision, the lots will be larger and the Town will not have any

regulatory control over wildlife aspects, forestry concerns, nor recreational activities. He further amplified that, with this current proposal, the wildlife corridors are organized such as to maximize the efficiency of wildlife movement by connecting areas most likely to be ventured, such as the Pond, wooded areas, the Fen, and the field. Brian noted that the Planning Board is more favorable toward a cluster because they are more manageable to partition, make changes, etc. Brian added that he is meeting with Planning tomorrow evening. Brett Merrill, of the Weare Winter Wanderers, asked Mr. Holt their position as to allowing their organization passage through NBAC property, to which Brian replied they are waiting for final negotiations to be completed before making that decision. Mr. Merrill disclosed to Brian that their only traverse on this property, once all the planning is finalized, would be along the Northern portion of the property if the proposed 100' buffer, abutting the two Northern lots relinquished by NBAC, were acquired and allowed to be utilized by the WWWs. Brian continued that this issue is his main concern because he has studied the subdivision and sees no other option at this time. Brian asked Brett if his group could travel along the Southern portion of the property. Brett replied that there is no access on the property at that location, and there are more wetlands in this area, along with a steeper slope gradient. Tom asked Mr. Merrill if he could utilize the area south of the Western cul-de-sac, to which he replied that their grooming machine is very heavy, and the marshy composition of the substrate in this locale would not support its weight. Tom then asked Brett if the WWW's could utilize some section of an abandoned logging road to the East of the brook, and Brett responded that there are too many brook crossings if that route were chosen. Brett then asked the Commission if they would grant his group sufficient profitability on their proposed open space land that would ensure them unimpeded passage through the property. Pat responded that the protection of the environment be given first priority, but if there is a way their activities can occur without compromising the environmental integrity, she sees no problem with their request. Pat added that if a land trust organization were to acquire interests in this property, the WWW's would have to work within their particular guidelines. Pat suggested that the WWW's contact the property's abutters to determine if any are willing to allow the WWW's access onto their lands. Brett replied that this option was considered, but unfortunately, they are limited by where they can cross Rt. 114. Mr. Merrill asked NBAC if they would be willing to draw up some kind of written assurance guaranteeing them indefinite trail rights, so that the WWW's don't make a heavy monetary investment and later suffer financial hardship due to changes in ownership or plan design. Mr. Holt responded that NBAC still needs to meet with Planning and there are loose ends to tidy up before any definitive permission can be issued. Tom made a statement to Brett to assure the WWW's that all parties involved in this matter want to preserve the goals of the group, and he feels that at least some of their ambitions can be materialized. Brett added at this point in the discussion that wildlife are likely to avail themselves to use the snowmobile trails to move around the property, so that the snowmobile club's activities can actually encourage wildlife movement. Andy added that the WWW's can be a service to the WCC by becoming another voice to help protect the environment. Brett said that what he is mainly interested in now is some assurance from NBAC and the WCC that they will work with the WWW to iron out issues and fructify a workable solution. Brian wanted to clarify that in whatever the final end result of the plans, all decisions will be according to the framework of Zoning and Planning. Andy asked Brian if he addressed the issue of the old dump located on the Northern end of the property, and Mr. Holt replied that NBAC has plans to remove it. Andrea gave her nod to the plans as presented, but wanted to have some assurance that the wildlife corridors be given high priority. Tom proffered that if NBAC were to go with a conventional concept, the WWW would not have any chance to use this property for their activities. John mentioned that he felt comfortable with the changes made by NBAC in response to the requests of the WCC. Pat volunteered that she agrees with the general comments of the other members, and added she feels it important that NBAC acquire the 100' buffer north of the Western cul-de-sac. Tom will contact Planning

before their meeting tomorrow evening to inform them that the WCC endorses NBAC's concept as presented to them this evening. Tom spoke in Steve's absence, saying that Steve is leaning toward a conventional design.

2). John Bouton – regional activist from Canterbury, is here tonight for an informational presentation to the WCC so that they may be spurred to opposing a proposal to construct a landfill along the Merrimack River in Canterbury. He distributed pamphlets to the members which depicts a detailed overview of this initiative. Mr. Bouton represents a group of about 100 area citizens who are opposed to the planned landfill. There is scheduled to be a public session in mid-July, and John hopes that his presentation this evening will help to disseminate the facts concerning this issue, and to motivate awareness concerning the potential hazards that could result from this endeavor. The more salient facts concerning this proposal are as follows:

- This proposed landfill will act as an alternative to the Wheelabrator operation.
- Operation intends to begin in 2014 upon conclusion of the permitting process.
- Wayne Wheeler of DES is in charge of the permitting process.
- There are 5 conservation districts within a mile of this intended initiative.
- Millions of dollars have been spent on cleaning up the Merrimack over the past 30 years, and this project is considered a step backwards.
- The warranty for the landfill's protective liner only last about 20 years.
- It takes 450 years for plastic to break down.
- The permit will be for solid waste only.
- Concord Regional Solid Waste Cooperative purchased this land in 1999.
- It is cheaper to landfill solid waste than it is to burn it.
- The site specific permitting is currently in progress.
- There will be wetland impacts on this site.
- All trash generated in Weare goes to Wheelabrator.
- There are 27 towns involved in this project.
- There are only 2 large landfills left in NH, Bethlehem and Rochester.
- There is a current projection of 22 years to fill this landfill.
- Any public meetings will only be announced in the Union Leader.
- Heleen Kurk stated that Bill Herman is the liaison for the town of Weare.

3). Alden Bouchmen of Keyland Corp. – has submitted a minimum expedited wetland application for map 412, lots 181 & 183 in order to cross a seasonal runoff ditch, with an estimated impact of <300 sq. ft. Comment to DES is that this application needs to be correctly permitted.

Mr. Bouchmen also presented to the Commission a conceptual plan for map 412, lots 100 & 101, which are going to be merged. This site is on 45 acres on River Rd., and a cluster subdivision is being considered. A site walk is scheduled @ 5:30 Monday evening May 16, on site.

4). Planning Board:

- Francis Currier Revocable Trust – submitted for a lot line adjustment on map 102, lots 002 & 010. Purpose is to depict a LLA between lots 002 & 010. Lot 010 is < 5 acres and requires State approval. No comments to Planning.
- Craig & Jill Francisco – located on corner of Abijah Bridge Rd. and Wildwood Rd., and have asked for a lot line adjustment. A portion of lot 107, tax map 24 intends to be added to tax map 107, lot 30, in order to create an area of 3.1 acres, and a portion of lot 30 to be added to map 107, lot 29. Comments to Planning are that it appears that lot 24 may have some issues, considering its limited building envelope. And the septic needs to be 75' from the wetland, and the plan only indicates 50'. It also needs subdivision approval because it is < 5 acres.

5). Minutes – John read the draft minutes of April 13, 2005, and the suggested amendments are as follows:

- Page 1, 9th line up from bottom, the wording “*but are being included*” shall be changed to read “*that may be included*”.
- On page 2, under the bullet “Innovative Land Solutions”, 1st line, “*Colby Hill Rd.*” shall be corrected to “*Colby Rd.*”
- Page 4, under “Other” topic, 3rd bullet down, “*UNH Cooperative Extension*” shall be corrected to “*Center for Land Conservation*”
- Same topic, 6th bullet down, 1st line, correct “*to the Commission*”, to “*to all Town employees and volunteers*”.
- Same topic, 9th bullet down, change “*Heritage Foundation*” to “*Natural Heritage Bureau*”.

Andy made motion to amend the minutes as suggested, and Pat 2nd. All voted in the affirmative, and the motion carried.

6). Duck Pond Site Walk Report – Tom read this report aloud and the following changes were made:

- On page 2, 2nd paragraph, 7th line down, change the word “*doesn’t*” to “*does*”.
- On this same line, strike the wording “*because it is heavily fragmented*”.
- In the 3rd paragraph, strike the words “*Andy mentioned he supported this new concept*”.
- In the 3rd paragraph, 7th line down, change the word “*configuration*” to “*reconfiguration*”.
- In the 8th line down, change the wording from “*what the reconfiguration would be redesigned as a standard subdivision*” to “*what the reconfiguration would look like as a standard subdivision*”

Andy made motion to accept the minutes as suggested, and Andrea 2nd. All voted in the affirmative to amend the minutes as proposed, and the motion carried.

7). Other Items:

- WCC by laws – there is a motion underway to revise section VI part a, #3 to include the wording: “such minutes shall be made available...” Andy made motion to accept this change as stated, and John 2nd. All voted in the affirmative and the motion carries.
- WCC by laws – there is a motion underway to revise section VI, a, 4: b, to change the wording “*will*” to “*may be read aloud*”. Andy made motion to revise the wording as proposed, and Andrea 2nd. All voted in the affirmative, and the motion carries.
- Collins Landing – Tom gave John this years monitoring report for Collings Landing which was sent by the Forest Society.
- Flyers – Tom mentioned that the Commission received flyers entitled New Hampshire’s Changing Landscape: Low Impact Development, which are available to those interested.
- Andrea – has received a bill from Digit Taylor for her presentation services. Andrea also received a bill from the Forest Society for 15 pamphlets, Conserving Your Land for a total of \$60. Tom will electronically request a check from Elayne Pearson for these costs.
- Bolton Property Update – is waiting for a proposal from the WCC, and he is adamant on a higher figure for his property than the Commission agrees. The WCC is willing to agree on a \$200K appraisal figure.
- Joe Fiala – is now the new liaison between the BOS and the WCC.

- Leon Methot – Pat had some discussion with him concerning the Planning Board revising the State Site Specific Regulations and Mr. Methot is hoping for some input from the Commission on this issue.

8). Adjournment – Andy made motion to adjourn this evenings meeting, and Andrea 2nd. With no further business to conduct, Chairman Carr adjourned the meeting at 10:34 PM.

Duly Submitted as a True Record,

John Ciampi

cc: Tina Pelletier
Town Clerk
BOS
WCC files